

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **August 10, 2004**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Rezoning - 113, 121, 125 Delta Street, I-2, Light Industrial District & B-5, General Business District (Conditional) to B-5, General Business District (Conditional)

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: Little Horse, LLC., is petitioning to rezone approximately 3.476 acres at 113, 121, 125 Delta Street from I-2, Light Industrial District & B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to allow the construction of a hotel. The Planning Commission recommended approval of the rezoning because:

- Petition agrees with the *Comprehensive Plan* which recommends a Community Commercial use for the subject property.
- Petition agrees with the *Comprehensive Plan* which designates this area as a gateway to the City. The proposed rezoning is the "highest and best" use for the subject property.
- The rezoning of the property will eliminate the existing nonconforming junkyard currently on the property.

PRIOR ACTION(S):

July 14, 2004: Planning Division recommended approval of the rezoning.
Planning Commission recommended approval 6-0 (with 1 member absent) of waiving the 21 day submittal requirement for proffers.
Planning Commission recommended approval 6-0 (with 1 member absent) of the rezoning with the following voluntarily submitted proffers:

1. The site shall be landscaped in substantial compliance with the Concept Landscape Plan (Sheet L-1).
2. Offsite improvements shall include a cul-de-sac at the terminus of Delta Street.
3. Permitted Uses: Primary, Hotel, Secondary, Restaurant.
4. Building height shall be restricted to a total of six (6) stories above finished grade.
5. Building façade (front and sides only) shall be constructed with masonry or concrete finish appearance (whether actual or simulated) similar in some fashion to the photo exhibits submitted.
6. Dumpster enclosure and service entrances shall be screened from view with either a landscape berm, screen wall or a combination of both.
7. Delta Street right of way shall be vacated where it coincides with the subject property and the three (3) parcels shall be combined into one (1).
8. All nonconforming vehicles and uses will be removed from the project site within twelve (12) months of the rezoning.
9. A concrete median will be constructed in the throat of Delta Street as determined by the City's Traffic Engineer. The costs of such improvements shall be the responsibility of the developer.
10. If improvements to the median opening in Wards Road (across from Delta Street) are needed as determined by the City's Traffic Engineer within two (2) years of opening of the hotel and or restaurant, the developer will contribute fifty percent (50%) of the costs of the needed improvements.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Site Plan
- Photo Exhibits
- Speaker sign up sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM I-2, LIGHT INDUSTRIAL DISTRICT AND B-5, GENERAL BUSINESS DISTRICT (CONDITIONAL), TO B-5, GENERAL BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be, and the same is hereby further amended by adding thereto Section 35.1-76.____, which section shall read as follows:

Section 35.1-76.____. Change of a certain area from I-2, Light Industrial District and B-5 General Business District (Conditional) to B-5, General Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at a point on the southern right-of-way line of Delta Street on the dividing line between the subject property and Tax Map No. 55551033, thence S 51° 29' 46" E 155.00 feet to a point; thence S 24° 26' 41" W 186.10 feet to a point; thence S 65° 47' 36" E 76.57 feet to a point; thence S 31° 36' 50" W 201.68 feet to a point; thence S 28° 21' 53" W 506.63 feet to a point; thence S 84° 53' 14" W 31.59 feet to a point; thence N 05° 29' 06" W 31.00 feet to a point; thence N 02° 51' 33" W 100.39 feet to a point; thence N 12° 28' 28" E 133.29 feet to a point; thence 07° 20' 10" E 162.80 feet to a point; thence N 06° 58' 01" E 68.10 feet to a point; thence N 24° 02' 42" E 53.07 feet to a point; thence N 24° 12' 25" E 369.40 feet to a point; thence S 65° 47' 38" E 20.00 feet to a point; thence N 24° 12' 25" E 55.00 feet to the point of beginning, being 3.504 acres.

. . . is hereby changed from I-2, Light Industrial District and B-5, General Business District (Conditional) to B-5, General Business District (Conditional), subject to the conditions set out hereinbelow which were voluntarily proffered in writing by the owner, namely: Benjamin K. and Jimmie R. Cunningham, to wit:

1. The site shall be landscaped in substantial compliance with the Concept Landscape Plan (Sheet L-1).
2. Offsite improvements shall include a cul-de-sac at the terminus of Delta Street.
3. Permitted Uses: Primary, Hotel, Secondary, Restaurant.
4. Building height shall be restricted to a total of six (6) stories above finished grade.
5. Building façade (front and sides only) shall be constructed with masonry or concrete finish appearance (whether actual or simulated) similar in some fashion to the photo exhibits submitted.
6. Dumpster enclosure and service entrances shall be screened from view with either a landscape berm, screen wall or a combination of both.
7. Delta Street right of way shall be vacated where it coincides with the subject property and the three (3) parcels shall be combined into one (1).
8. All nonconforming vehicles and uses will be removed from the project site within twelve (12) months of the rezoning.
9. A concrete median will be constructed in the throat of Delta Street as determined by the City's Traffic Engineer. The costs of such improvements shall be the responsibility of the developer.
10. If improvements to the median opening in Wards Road (across from Delta Street) are needed as determined by the City's Traffic Engineer within two (2) years of opening of the hotel and or restaurant, the developer will contribute fifty percent (50%) of the costs of the needed improvements.

And the Director of Community Planning and Development shall forthwith cause the “Official Zoning Map of Lynchburg, Virginia,” referred to in Section 35.1-4 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: April 14, 2004
Re: **REZONING: 113, 121, 125 Delta Street, I-2, Light Industrial District & B-5, General Business District (Conditional) to B-5, General Business District (Conditional)**

I. PETITIONER

Mr. David. N. Blanks, Little Horse, LLC, 725 Church St., Lynchburg, Virginia 24504

Representative: Mr. David N. Blanks & Mr. Bruce Johnson, Little Horse, LLC, 725 Church St., Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately 3.476 acres located at 113, 121, & 125 Delta St.

Property Owner: Benjamin K. & Jimmie R. Cunningham, 3544 Village Highway, Rustburg, VA 24588.

III. PURPOSE

The purpose of the petition is to rezone approximately 3.476 acres located at 113, 121 & 125 Delta Street from I-2, Light Industrial District & B-5, General Business District (Conditional) to B-5, General Business District (Conditional) to allow the construction of a hotel.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends a Community Commercial use for the subject property.
- Petition agrees with the Zoning Ordinance in that hotels/motels are a permitted use in a B-5, General Business District.

The Planning Division recommends that the Planning Commission postpones action on the item until a Traffic Study is submitted and reviewed by City Staff.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Community Commercial use for the subject property. Community Commercial areas are intended for retail, personal service, entertainment and restaurant uses that draw from the entire City. Other uses are permitted provided that traffic and other impacts to the community are mitigated.
2. **Zoning.** The subject property was annexed into the City in 1976. The properties located at 113 & 125 Delta St., have been zoned I-2, Light Industrial District since that time. The property located at 121 Delta St., was rezoned from I-2, Light Industrial District to B-5, General Business District (Conditional) on December 8, 1992 and is subject to the following proffers:
 - The site will be used for hardware sales; automobile and truck rental; billboards subject to regulations of Sec. 35.1-26.1; building material sales; contractors establishments; sales lot for construction and farm equipment and similar machinery; small sign shops; storage warehouse and yards for equipment sales/rentals; and other uses permitted as in a B-3, District.
 - The site will be partially fenced for equipment which is unable to be stored inside the building.
 - We [petitioners/owners] propose to renovate the existing building temporarily until a new building is constructed later.
 - We [petitioners/owners] propose to remove the existing fence on the left hand side of the building in order to install the parking lot and to move the fence back for the security of the equipment.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 - The site shall be landscaped in substantial compliance with the Concept Landscape Plan (Sheet L-1).

- Offsite improvements shall include a cul-de-sac at the terminus of Delta St.
 - The following shall be uses permitted by right:
 1. Hotel/motel
 2. Restaurant
 3. Showroom
 4. Bank and other financial houses
 5. Professional or Government offices
 6. Retail premises and sales
 7. Rental car agency
 - Building elevation and type of construction:
 - a. Building height shall be restricted to a total of six (6) stories above finished grade.
 - b. Building façade (front & sides only) shall be constructed with masonry or concrete treated finish appearance (whether actual or simulated) similar in some fashion to the photo exhibits submitted.
 - Dumpster enclosure and service entrances shall be screened from view with either a landscape berm, screen wall or a combination of both.
 - Delta Street right-of-way shall be vacated where it coincides with the subject property and the three (3) parcels shall be combined into one (1).
 - Request a period of up to twelve (12) months following rezoning for removal of all nonconforming vehicles and uses from the project site.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:
- On December 8, 1992 the City Council approved the rezoning petition of George A. & Sue Cox from I-2, Light Industrial District to B-5, General Business District (Conditional) at 121 Delta St.
 - On December 14, 1993 the City Council approved the rezoning petition of Charleston Trading Company from I-2, Light Industrial District to B-5, General Business District (Conditional) at 4009–4013 Wards Rd.
 - On January 26, 1999 the City Council approved the rezoning petition of Faison/Trammel Crow from R-3, Two-Family Residential District, R-4, Multi-Family Residential District, R-5, Multi-Family Residential District and B-5, General Business District to B-5, General Business District (Conditional) at Wards Rd. and Atlanta Ave.
 - On January 26, 1999 the City Council approved the Conditional Use Permit request of Faison/Trammel Crow to allow fill in the flood plain at Wards Rd. and Atlanta Ave.
6. **Site Description.** The subject property is bounded to the north, south and east by commercial uses and to the west across Norfolk-Southern Railway by an Institutional use (Liberty University).
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of a hotel and associated parking areas.
8. **Traffic and Parking.** The City Traffic Engineer is concerned that the traffic volume generated from a hotel use will exceed the capacity of Delta St. and will result in unsafe conditions at the intersection of Delta St. and Wards Rd. For these reasons the City Traffic Engineer and the Planning Division have requested that a traffic study be submitted. The petitioner has stated that the traffic study would be available at the Planning Commission meeting. However, this will not allow adequate time for staff to review the submitted information.

Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that one (1) parking space for each guest room and one (1) space for every three (3) employees on duty at any one time. The submitted site plan indicates 135 rooms and 158 parking spaces. Provided that the site is developed in compliance with the submitted site plan there should be adequate off-street parking available.

9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. Storm water management will be addressed by either a surface retention basin or underground detention system.

10. **Impact.** The petition proposes to rezone the property from I-2, Light Industrial District and B-5, General Business District (Conditional) to allow the construction of a hotel.

The subject property is located at a major gateway into the City from U.S. Route 460. The *Comprehensive Plan* states that “for each gateway the City should work in partnership with VDOT and property owners to identify opportunities for landscape improvements, entry signs, and potential improvements to surrounding properties, as well as a long-term maintenance plan.” The property is currently being used as a “nonconforming” junkyard. The submitted proffers indicate that all vehicles will be removed within a twelve (12) month period if the property is rezoned. The proffers also adequately address building design and landscaping which should enhance this gateway into the City.

The Planning Division could support the rezoning provided that a traffic study is submitted and necessary improvements are made to insure that the increased traffic volumes will not create a safety hazard at the intersection of Delta St. and Wards Rd.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 23, 2004. Comments (other than the requested traffic study) were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends postponing action on the item until a Traffic Study is submitted and reviewed by City Staff.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. David N. Blanks, Little Horse, LLC., Petitioner
Mr. W. Thomas Austin, P.E., Representative

VII. ATTACHMENTS

1. Vicinity Zoning Pattern

(see attached map)

2. Vicinity Proposed Land Use

(see attached map)

3. Site Plan

(see attached site plans)

4. Photos

(see attached photos)

5. Narrative

(see attached narrative)

MINUTES FROM THE APRIL 14 PLANNING COMMISSION MEETING

Petition of Little Horse, LLC to rezone approximately 3.47 acres at 113, 121, and 125 Delta Street from B-5, General Business District (Conditional) and 1-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of a hotel.

Mr. Tom Martin, City Planner, explained that this request was for rezoning the parcels at 113, 121, and 125 Delta Street to construct a hotel and parking. He said the current existing use of the property is a non-conforming junkyard, which would be removed within twelve months if the rezoning were approved. He added that the Comprehensive Plan recommended a community commercial use for the subject property, which were areas designated for businesses such as restaurants or personal service uses that draw from the entire City. Mr. Martin added that other regional type uses were appropriate in these areas provided that impact such as traffic could be addressed or mitigated. He noted that the property was located at a major gateway into the City, and due to this, the Planning Division was concerned with the design of the proposed hotel, but the staff now believes the proffers have adequately addressed those concerns. He said the major concerns the City staff had with the proposed development was that of traffic. Mr. Martin said the Planning Division and the City Traffic Engineer were concerned that the traffic generated from hotel use would exceed the capacity of Delta Street and possibly create unsafe conditions at the intersection of Wards Road and Delta Streets. He said for that reason the Planning Division and the City Traffic Engineer had requested a traffic study to show if there would be any negative impacts related to traffic from the hotel. He said the City had not received that study as to date, and it for that reason, the staff was recommend that the Planning Commission postpone decision on this request until that study was submitted and the staff and Commission had time to review it.

Chair Dahlgren agreed with Mr. Martin concerning the Commission postponing a decision, but added that they were privileged to hear the presentation and the public hearing and could then postpone voting on the request until a later date. He said if the petitioner was in agreement, they would continue with the meeting.

Mr. Norris Blanks, 405 Washington Street, represented Little Horse, LLC. He said Mr. Bruce Johnson, his associate member, and Mr. Tom Austin, Mattern and Craig were also attending with him. He said they chose Mattern and Craig for the engineering portion of the project because they had been involved with most of the work on Wards Crossing corridor over the last five years and had intimate knowledge of traffic flows, traffic studies and had a well rounded knowledge of the area. Mr. Blanks said what ever is constructed on Ward's Road would cause additional traffic congestion, and appreciated that the City wanted to manage the traffic flow the best way possible. He noted that a hotel should be more traffic sensitive than any type of restaurant. He said they had been approached in the last several months by two potential hotel developers who were looking to locate in the Lynchburg area. He said the only criteria were that they be in the Wards Crossing area. Mr. Blanks said they had looked over the last few months and had found lots of available space in the county, but wanted to be in the Wards Crossing corridor. He said given the number of uses that could be developed, they think a hotel is the best use for that area. He explained that the hotel they plan to develop would have a brick simulated or stone finish, and would have a breakfast only restaurant. Mr. Blanks said they would be sensitive that it is a gateway into the City.

Mr. Tom Austin, Mattern and Craig Engineers, Roanoke, Virginia addressed the Commission. Mr. Austin explained that his company was the Civil Engineers for the Wards Crossing project, and conducted the original traffic study for the Wards Road corridor between Atlanta Avenue and Wards Ferry Road. He said they also did the traffic study update when McDonalds and Logan's Road House built on the corridor. He said when the traffic study was originally done the focus was on traffic from the shopping center and did not focus on the out parcels. He said now they had developed a concept plan with Little Horse, LLC showing a 135-room hotel. He added that the footprint of the building was approximately 72,000 square foot with 158 parking spaces on the proposed three acres. He said the facility would access Wards Road from Delta Street, which currently served the Golden Corral and Bob Evans restaurants. In addition to the traffic, Mr. Austin said he could address issues concerning water and sewer, stormwater drainage, and landscaping. He explained that when looking at traffic issues such as this, engineers use what was called the 1TE, or Institute of Traffic Engineering guidelines. He said those guidelines told them, based on studies of similar facilities, how many cars were expected to come in and out of a facility on a given 24-hour period and also during the a.m. peak and p.m. peak hours. He said a hotel like this during the a.m. or p.m. peak would generate approximately 66 trips. Mr. Austin added that the 1TE guides indicated that 40 percent would be leaving the facility and 60 percent would be coming into the facility. He said they determined that approximately 26 vehicles would leave the facility per hour, and further breakdown says that 16 vehicles would turn left on to South Rt. 29. He noted that the left turn was the key

movement in this development. Mr. Austin said trying to determine how to improve the safety concerns associated with the left turn across four lanes of traffic during peak hours was very difficult. He explained that the problems would be cars queuing up on Delta Street, drivers becoming impatient, and queuing up in the median of Wards Road. He said the estimated number of cars turning left from Bob Evans and Golden Corral (not actual field counts), was approximately 52 left turns, then adding the 16 turns from the hotel, made matters that much worse. He noted that the right turn lane heading North on Rt. 29 would not be a problem. Mr. Austin said they had looked at what they could do at the crossover and had come up with several options. He continued by explaining that they could do nothing, they could eliminate left turns into and out of the site, they could post the intersection eliminating left turns during peak hours, they could configure the intersection of Delta Street and Wards Road to eliminate left turns, or they could install a slip ramp in the median, which would allow vehicles traveling South on Rt. 29 to turn left on to Delta Street, but would not allow vehicles exiting Delta to turn South on to Rt. 29.

The worse case scenario, he said, would be closing the crossover, which would be an extreme measure and would have significant impact on the existing restaurants as well as the hotel. Mr. Austin said it came down to trying to eliminate the left turn movements in the southbound direction. To do that, he added, they would put the island on Delta for a right-in, right-out only or put the slip ramp on Rt. 29, which would allow left turns into the property. Mr. Austin said they had not spoken to the neighbors yet, as they wanted to work with the staff to come up what they thought was best. He said the two neighbors, Bob Evans and Golden Corral, would definitely be affected by this decision. He added that a detailed traffic study, while it may give projections and hard numbers to base their decision on, would be balancing the needs of the businesses with the needs to control traffic and safety. He said the City staff would have a key role in making that decision. Mr. Austin requested that they continue to work this out with staff, present the data to them and get it worked out quickly.

Mr. Bruce Johnson, 517 Washington Street, Lynchburg, associate of Mr. Blanks addressed the Commission. Mr. Johnson said there were no hotels on Wards Road, and with the round trips to Atlanta lodging near the hotel was important. He said restaurants like hotels and hotels like restaurants, so it would be a compatible use. He said the site was a large enough on this major intersection to need a stately building, so they were looking to build a four, five, or six story, good looking building. Mr. Johnson said after this rezoning process was complete they would work with development, and by then the Madison Heights Bypass should be almost open.

Chair Dahlgren asked about the intent of the existing business on the property.

Mr. Blanks explained that if the rezoning was approved, the current owner had asked that they have time to clean up the site. He said he and his associate were only contractual owners, so they could not do anything about the site until they purchased the property. He said they saw this project as a positive solution for this property.

Chair Dahlgren asked if the potential hotel owners would have any problem with the train track being so close to the site.

Mr. Blanks said this has been brought up and they have been on the site doing "train" research. He said hotels are well sealed. He added that many times they are constructed near major intersections, train tracks, or airports and he does not think this will be a problem.

Mr. Johnson said their traffic analysis was based on 135 rooms with 80 percent occupancy. However, with the possibility of a combination of suites, or having all suites, the number of rooms would be limited to 90. He wanted the Commission to know that they were using high-sighted numbers.

Commissioner Bacon voiced her concern, not with just this site, but with all of the sites along Wards Road/Delta Street adjoining the train tracks. She said there appeared to be a large bluff behind all of those businesses. She asked Mr. Martin the distance from the dirt wall to the tracks. She said she assumed that it was railroad property.

Mr. Martin said this was indeed railroad property.

Mr. Austin said the bluff did not exist on this property. He said they did not plan to remove dirt in the area near the tracks, and if they did, he said they would build a retaining wall to eliminate erosion.

Commissioner Bacon said she was concerned about the bare dirt, the vibration from the trains, and soil erosion.

Mr. Blanks said the amount of land they had for the project was excessive for hotels. He said they had maximized their plan for the number of rooms, but they did not think the hotel developer they had been talking to would construct a building with the maximum number of rooms. He said they did not want to build close to the train tracks, and it would be more expensive to move dirt near the bluff. He said they would probably build closer to the road than to the train tracks.

Mr. Martin reminded the Commission that Wal-Mart would be building a new entrance in to and out of the Sam's Club and Wal-Mart sites. He added that the Montview Commons development would go in the same general area, so traffic conditions on Wards Road will only increase. He said the traffic associated with the proposed hotel had not been figured into the traffic count. He said at some time the City would have to look at Ward's Road comprehensively, but it was probably too late to do a whole lot. He said he agreed that a hotel was probably the highest and best use for the property. He said it was an improvement over the existing junk yard and an improvement for a gateway into the City. However, he pointed out to the Commission, there were a lot of other uses that could be on that site. He said if the hotel did not come into being, the proffer stated that the property could be used for restaurants, show rooms, banks, financial institutions, retail sales or rental car agency.

Chair Dahlgren agreed with Mr. Blanks' opening statement that this site would be the best use for a hotel. However, he said, it may not be the best use for a restaurant. He said the Planning Commission had developed an uncomfortable feeling about cart blanch rezoning of a site if someone proffered potential additional uses for it. He said if the rezoning for a hotel did not work out, then the petitioner could come back to the City and ask to have the property rezoned for a different use.

Mr. Martin said proffers were voluntary, but he pointed out that the information that had been presented to the Commission had been based on a hotel type use. He noted that restaurants generate a different amount of traffic than hotels would, and retail generates a different amount of traffic than anything else. He added that the final decision on this petition would rest with the Planning Commission. However, he said, it was his responsibility as the City Planner to make a staff recommendation to the Commission. He said he could not make a recommendation in favor of this request until he and the City Traffic Engineer had time to look at what was being presented today and make a recommendation based upon that.

Commissioners agreed with Mr. Martin in that they needed all of the information before they could make a recommendation, too.

Chair Dahlgren told the petitioners that they could not require proffers be submitted, but they could suggest that proffers be submitted. He said if the petitioner wanted to make some alterations to the existing proffers, then they could do that and eliminate all other possible uses.

Mr. Blanks said they included additional uses in order to be candid. He said they did not want to rezone the property to be misleading in the event that a hotel was not constructed on the property.

Commissioner Hamilton wondered if traffic could be routed to connect at the light at Wards Ferry Road.

Mr. Blanks said speaking as a developer, he thought the existing connections are acceptable as is. He said anything that goes on that site would cause an additional burden to the traffic congestion. He said it was relative within the parameters of the use for the area.

Commissioner Echols asked if they would have conventions and meetings.

Mr. Blanks said they would not have conventions or large meetings at the hotel. He said they would have a meeting facility, but they did not anticipate having hundreds of people attending a function at the hotel.

Chair Dahlgren said with the traffic study he was sure that Mr. Martin and Mr. Harter would take into consideration the two restaurants on Delta Street. He said he thought the owners of the businesses would have an opinion as to what would happen at the intersection that would prevent people from getting into and

out of their restaurants.

Commissioner Echols said one criterion in planning was to look toward the future.

Mr. Blanks said he could envision a tunnel underneath the road to handle the through traffic. He said he would assume with time, something like that would be in order and needed.

Mr. Johnson said the City's Comprehensive Plan calls for this area to be zoned B-5 and in fact, the 1-2 is incompatible. He said they were trying to fit in with what the City envisioned for the area. He said they actually eliminated two-thirds of the uses on the B-5 list. He said some hotels did have rental car agencies within their facilities, so they did not want to eliminate a use within a hotel. Mr. Johnson added that most of the uses that were not proffered out are geared toward hotel uses.

Commissioner Flint asked if voting on this item was postponed today could it be considered at the next Planning Commission meeting and not cause a delay in going to their originally scheduled Council meeting.

Mr. Martin said if the petition was tabled at this meeting, then it did not have to be readvertised. He said if this petition was heard at the April 28 Planning Commission meeting or the May 12 Commission meeting, it would still go to the same Council meeting, which would be June 8.

After discussion Commissioner Flint made the following motion, which was seconded by Commissioner Hamilton and passed by the following vote:

"That the Planning Commission postpone action on this petition until the petitioner could submit the traffic study to the City and the City Staff had an opportunity to review and comment on the study."

AYES: Bacon, Dahlgren, Flint, Hamilton, Worthington

6

NOES:

0

ABSTENTIONS:

0

MINUTES FROM THE JULY 14, 2004 PLANNING COMMISSION MEETING

Petition of Little Horse, LLC, to rezone approximately 3.47 acres at 113, 121, and 125 Delta Street from B-5, General Business District (Conditional) and I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of a hotel.

Mr. Martin said this petition had pretty much been discussed in conjunction with the previous petition. He suggested that the same two proffers that were just added to the previous petition also be added to this petition so that it is tied to both pieces of property.

Mr. Blanks explained that this proposal was the same as it was previously at the April 14, 2004 meeting. He explained that this site was 3 ½ acres that had previously been a junkyard for many years. He said the hotel they were planning to construct would cover approximately 2 acres with extensive landscaping due the shape of the site and part of the land not being usable. He said it was certainly a gateway site into the City and they are mindful of the ascetics and appearance of the area. He said it was the only site on Rt. 29 that would have a hotel and would be near the airport. He said this was the highest and best use for the property.

Co-Chair Flint read an e-mail from Chair Dahlgren concerning this petition. In his note, Chair Dahlgren expressed his concerns with the traffic impact on this area, but yielded to the recommendation of the City Traffic Engineer. He also requested that items 1, 2, and 3 in Mr. Tom Martin's memo dated 14 July 04 to the Commissioners be included in the Planning Commission's recommendation to City Council. He also suggested that the petitioner contribute a 50 percent share for expenses to make additions and/or modifications to improve the traffic situation. Chair Dahlgren's note also suggested that the petitioner's obligation would be in effect for two years following the completion of the proposed structure on this property.

Mr. Blanks said on their original request they stated that they would have 135 rooms, but added that they would probably only have 100 rooms, so that should diminish the amount of associated traffic. However, he said, they did not want to be limited to 100 rooms.

Commissioner Worthington made the following motion, which was seconded by Commissioner Hamilton and passed by the following vote:

"That the Planning Commission waive the 21-day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Little Horse, LLC, to rezone approximately 3.47 acres at 113, 121, and 125 Delta Street from B-5, General Business District (Conditional) and I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of a hotel."

AYES:	Bacon, Echols, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0

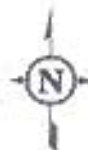
"That the Planning Commission recommends to the City Council approval of Little Horse, LLC, to rezone approximately 3.47 acres at 113, 121, and 125 Delta Street from B-5, General Business District (Conditional) and I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the construction of a hotel."

AYES:	Bacon, Echols, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0

GATEWAY HOTEL & SUITES

113,721,126 Delta Street
Vsl Map # 260-03-0024
Rezoning Request from I-2 & B-5C to B-5C
Potlacher Little Home, LLC

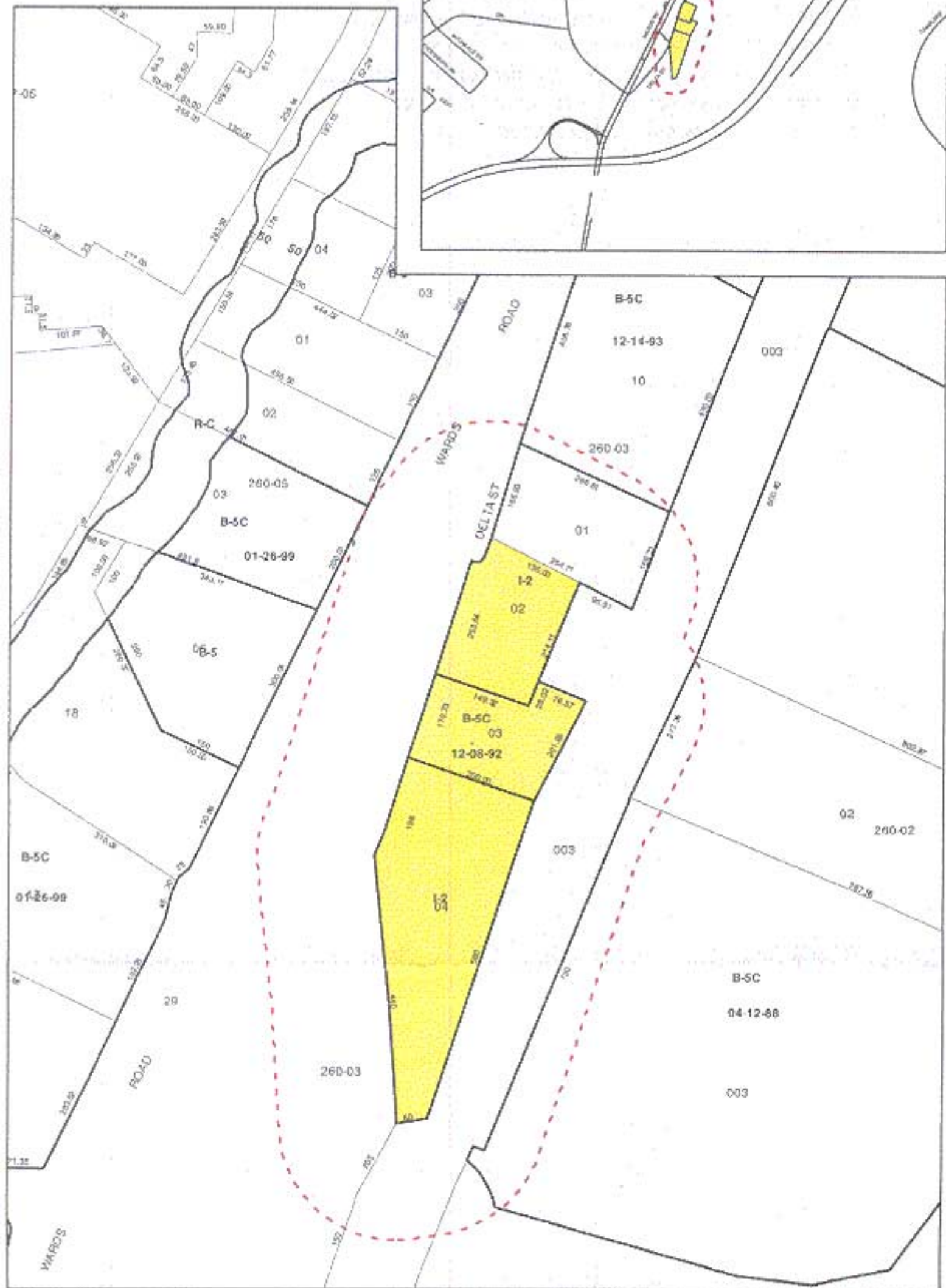
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

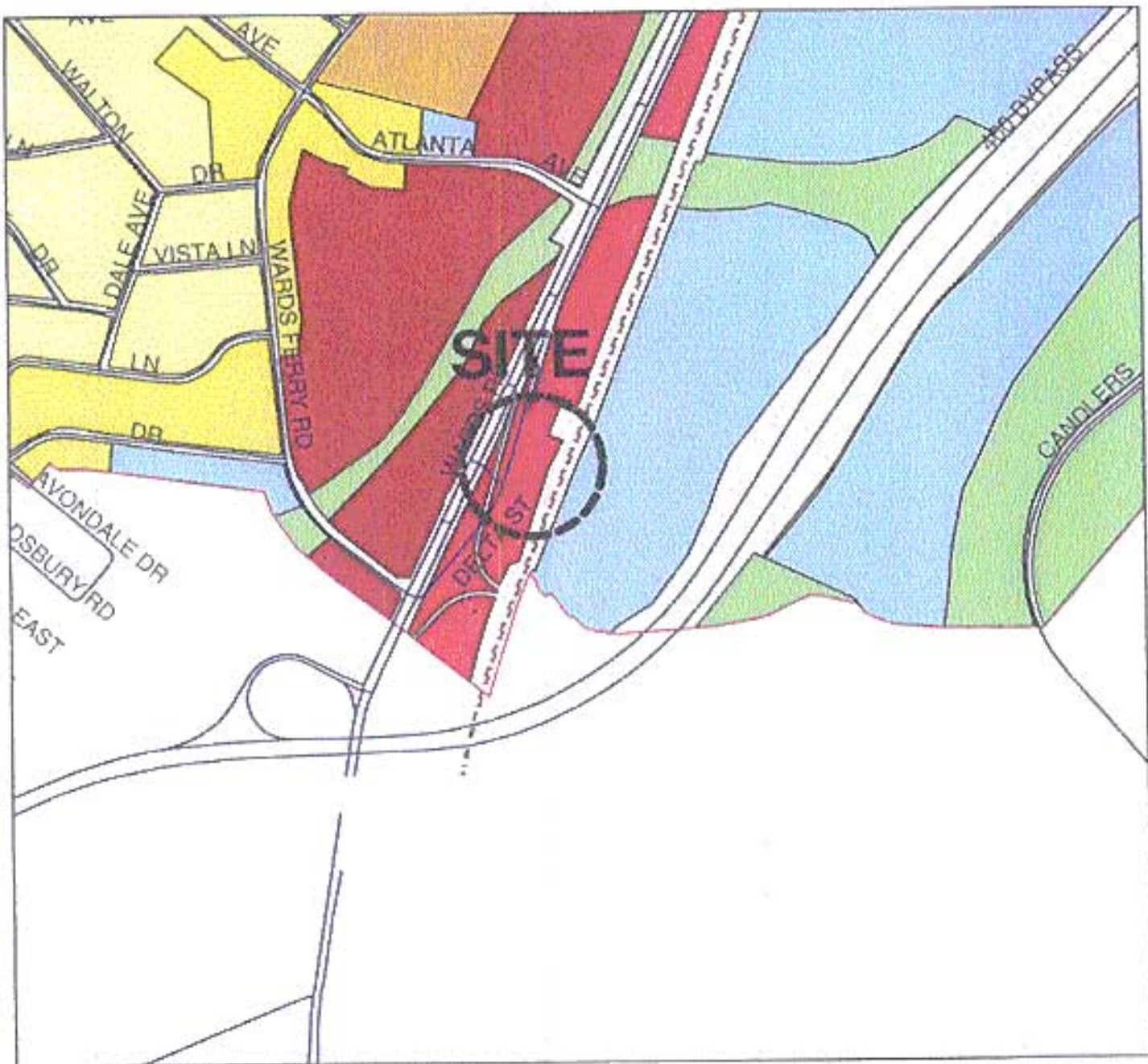


Subject Property



200 ft Radius





GATEWAY HOTEL & SUITES

113,121,125 DELTA STREET

LAND USE PLAN



ROANOKE (1)



ROANOKE (2)

LYNCHBURG (1)



2



LYNCHBURG (2)

Project Narrative and Justification

Rezoning of 113, 121, & 125 Delta Street Lynchburg, VA Case REZ0403-0001 April 1, 2004

The subject land, which is strategically situated adjacent Wards Crossing Precinct, has now become one of the gateway pillars into greater Lynchburg. This situation has occurred subsequent the evolutionary area growth over the preceding decade and the creation of the U.S. Route 29/460 interchange.

The current zoning, I-2, is perhaps now redundant and undesirable considering the current historical development path of this corridor over the past five - ten years. I-2 zoning may have suited a much earlier trajectory development course, but now, argument could be made condemning I-2 zoning as a relic of an earlier use profile.

As the site stands, overlooking Route 29 and Wards Crossing retail area, its very location is now systemic with retail and service orientated uses. Most complementary adjacent sites are now largely populated with retail and service use groups. The soft entry approach via Delta Street, which terminates at the site, affords a more passive ingress/egress status for potential customers as opposed to a direct Route 29 entry.

In our opinion the site is ideal for hotel development, retail, office, restaurant, service, and professional use groups.

The request for rezoning is tendered pursuant the possibility that a regional style hotel development, similar to the better quality hotels already existent within the Greater Lynchburg area, will be built. In the event a hotel development, for whatever reason, is not developed, the right to develop other B-5 uses that are compatible within this location is also requested.

This location would offer travelers and visitors a facility close to Wards Crossing, Liberty University, Lynchburg Airport and the main intersection of U.S. Rte 29 / Rte 460.

Presently there is no modern hotel establishment in the vicinity of this site, therefore the facility proposed would be an economic, business and attraction enhancement for the area.

The height of the new building would be in strict accordance with airport safety overlay district regulations, however, not exceeding a maximum of six stories, even if higher limits were allowable.

Construction would be in keeping with a masonry or concrete treated finish appearance (whether actual or simulated) similar in some fashion to the photo exhibits submitted.

Landscaping to be in strict accordance with planning and city requirements with special awareness to the visual importance of this site. Concurrently all signage will be in keeping with city ordinance and created in visually aesthetic style.

The adjoining landowner is aware of this proposed zoning adjustment and to the best of our knowledge has no objection to same.

Accompany this zoning request a condition is sought requesting the city grant a grace period of up to twelve months following any zoning adjustment to allow the existing use of the property under the current zoning use to conform with the new zoning status. This condition is requested in order for the current landowner who is using the existing I.2 zoning on the land to house a large number of vehicles in varying states of repair and condition to fully remove such vehicles and bring the site into compliance with its new zoning use. It should be pointed out however that in the event of a new hotel development occurring, this transformation could happen in a much shorter time frame.

We sincerely thank the City and its department administrators for their assistance and consideration of this request.

Respectfully,

Norris David Blanks

Little Horse, LLC

Narrative Plan for Approach to Stormwater Management

Rezoning of 113, 121, & 125 Delta Street Lynchburg, VA Case REZ0403-0001

Background: Little Horse, LLC, proposes to develop a Hotel on the property located at 113, 121 & 125 Delta Street. The total area of the three sites is 3.3 acres. The existing land use is automotive storage/warehousing and salvage yard.

Topography: The site generally slopes from east to west towards U.S. Route 29 - Wards Road. The central portion of the site is level to gently sloping. The rear of the site is formed by a slope up to the Norfolk Southern railway located to the east of the property.

Current Land Use/Cover: Surveys of the site indicate that there are 4 structures, several sheds, gravel/paved parking and drives, and numerous inoperative automobiles. Ground cover is sparse, except for the sloping area at the rear of the site, which is moderately wooded.

Existing Storm Drainage Infrastructure: A review of surveys and other documents indicate that there are several storm drainage collection systems in the vicinity of the site. These existing collection systems all originate along the eastern side of Wards Road (or beyond) and discharge into Rock Castle Creek, which is approximately 600-feet from the project site. Identified existing storm drainage infrastructures includes:

- a 15-inch to 24-inch diameter system which outfalls to Rock Castle Creek along the main entrance into Wards Crossing
- a 24-inch diameter system which outfalls to Rock Castle Creek between the McDonald and East Coast Gas.
- a 6-foot square box culvert which outfalls to a channel between the Olive Garden and O'Charley's.

Proposed Stormwater Management: The stormwater management system proposed for the project site will meet the requirements of Chapter 16.2 of the Code of the City of Lynchburg. More specifically, the project will incorporate stormwater control measures which will address both water quantity and water quality. These requirements will be addressed with either a surface retention basin, or a below ground detention system which will incorporate a water quality device similar to a Stormceptor® (<http://www.stormceptor.ca/products.php>). Onsite runoff collection will be collected into an enclosed storm drainage system, conveyed to the stormwater management device or basin, and discharged into the existing piping system which adjoins the site.

